

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

TSUKAMOTO, Hisashi et al.

Serial No: 10/665,509

Filed: September 17, 2003

For: ELECTRIC STORAGE BATTERY
CONSTRUCTION AND METHOD OF
MANUFACTURE

Art Unit: 1745

Examiner: N/A

**TRANSMITTAL OF
INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

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Date

Dear Sirs:

1. ☒ The information disclosure statement submitted herewith is being filed within three months of the filing date of the application other than a continued prosecution application, or within three months of the date of entry into the national stage of an international application, or before the mailing date of a first Office Action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination under §1.114, whichever event occurs last. 37 C.F.R. §1.97(b).
2. ☐ The information disclosure statement transmitted herewith is being filed *after* the period specified in §1.97(b), but *before* the mailing date of a final action under §1.113, or a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, whichever occurs first. A statement specified in §1.97(e) or a fee set forth in §1.17(p) is included. 37 C.F.R. §1.97(c).

§1.97(e) STATEMENT

I, the person signing below, state:

- ☐ that each item of information contained in the information disclosure statement was first cited in the attached communication from a foreign patent office in a counterpart foreign application and that the communication is dated not more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(1).

OR

- ☐ that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(2).

OR FEE

- ☐ Attached is a fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(c). (\$180.00).
- ☐ Please charge the fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(c) (\$180.00), and charge any insufficiency or credit any overpayment, to the credit card identified on Form PTO 2038 submitted herewith. If for any reason the credit card so identified is refused, please charge the necessary amount to Deposit Account No. 50-0921, referencing docket number _____. A copy of this petition is enclosed.

3. ☐ The information disclosure statement transmitted herewith is being filed *after* the period specified in §1.97(c), but before, or simultaneously with the payment of the issue fee. A statement specified in §1.97(e) and a fee set forth in §1.17(p) are included. 37 C.F.R. §1.97(d).

§1.97(e) STATEMENT

I, the person signing below, state:

- ☐ that each item of information contained in the information disclosure statement was first cited in the attached communication from a foreign patent office in a counterpart foreign application and that the communication is dated not more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(1).

OR

- ☐ that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(2).

AND FEE

- ☐ Attached is a fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(d). (\$180.00).
- ☐ Please charge the fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(c) (\$180.00), and charge any insufficiency or credit any overpayment, to the credit card identified on Form PTO 2038 submitted herewith. If for any reason the credit card so identified is refused, please charge the necessary amount to Deposit Account No. 50-0921, referencing docket number _____. A copy of this petition is enclosed.

4. The filing of an information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56(b) [37 C.F.R. § 1.97(h)]. Further, applicants make no admission that all references presented here are prior art in relation to the present application.

5. If it should be determined that for any reason either an insufficient fee or an excessive fee has been paid, please charge any insufficiency or credit any overpayment necessary to ensure consideration of the information disclosure statement for the above-identified application to the credit card identified on Form PTO 2038 submitted herewith. If for any reason the credit card so identified is refused, please charge the necessary amount to Deposit Account No. 50-0921. **A copy of this petition is enclosed.**
6. A list of 111 reference(s) is in the enclosed Form PTO-1449. 28 reference(s) are enclosed.
- ☐ Pursuant to 37 C.F.R. § 1.98(d), a copy / copies of some of the listed reference(s) is / are not provided since it is / they are of record in parent application Serial No. filed , the benefit of the filing date of which is claimed herein under 35 U.S.C. § 120.
- ☒ The instant application having been filed after June 30, 2003, copies of U.S. references are omitted pursuant to 1276 Off. Gaz. Pat. Off. 55, 8/5/2003: "The Office hereby waives the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC 371 after June 30, 2003. See 37 CFR 1.491(b)."

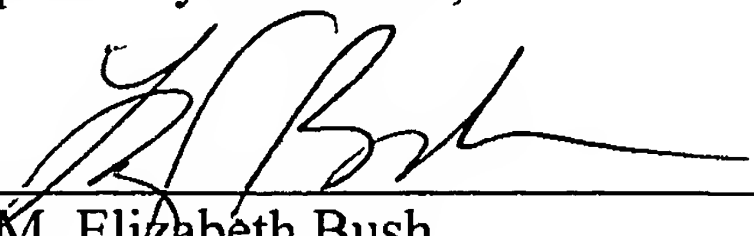
NON-ENGLISH LANGUAGE REFERENCES

- ☐ Enclosed is a search report for a counterpart application. The search report Examiner has provided comments on the relevancy of any non-English language references cited in the search report.
- ☐ The specification incorporates comments on the relevancy of Non-English language references.
- ☐ Set forth below are comments provided by the applicant's home country counsel on the relevancy of non-English language references: N/A

[COMMENTS OF APPLICANT'S HOME COUNTRY COUNSEL]

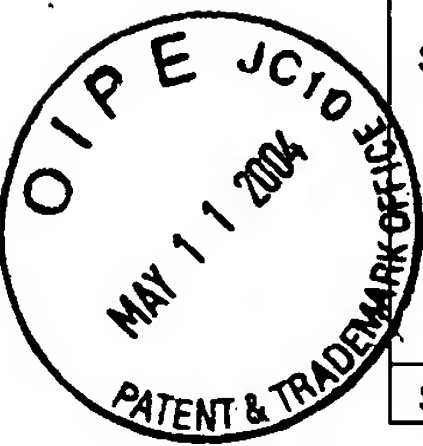
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By:


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Date: May 7, 2004

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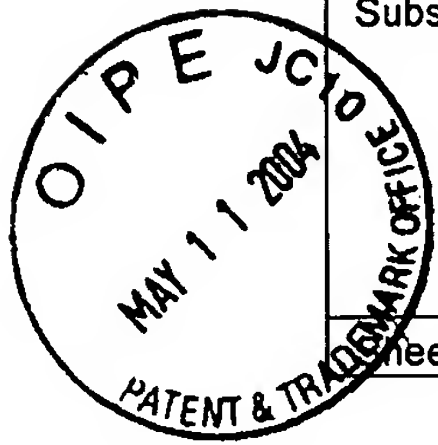


<div>Substitute for form 1449A/PTO</div> <div>INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)</div>				Complete if Known	
				Application Number	10/665,509
				Filing Date	September 17, 2003
				First Named Inventor	TSUKAMOTO, Hisashi et al.
				Art Unit	1745
				Examiner Name	N/A
Sheet	1	of	4	Attorney Docket number	Q137-US9

US PATENT DOCUMENTS

Examiner Initials	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	Number – Kind Code		
	US-3,536,532	10-27-1970	Nobuatsu Watanabe et al.
	US-3,700,502	10-24-1972	Nobuatsu Watanabe et al.
	US-4,009,056	02-22-1977	Megahed et al.
	US-4,056,885	11-08-1977	Rao
	US-4,091,188	05-23-1978	Dey
	US-4,121,020	10-17-1978	Epstein et al.
	US-4,247,608	01-27-1981	Watanabe et al.
	US-4,268,587	05-19-1981	Farrington et al.
	US-4,271,242	06-02-1981	Toyoguchi et al.
	US-4,352,867	10-05-1982	Catanzarite
	US-4,385,101	05-24-1983	Catanzarite
	US-4,386,137	05-31-1983	Watanabe et al.
	US-4,391,729	07-05-1983	Liang et al.
	US-4,502,903	03-05-1985	Bruder
	US-4,539,272	09-03-1985	Boegel
	US-4,539,274	09-03-1985	Goebel
	US-4,565,752	01-21-1986	Goebel et al.
	US-4,565,753	01-21-1986	Goebel et al.
	US-4,604,333	08-05-1986	Ikeda et al.
	US-4,929,519	05-29-1990	Catotti
	US-5,008,165	04-16-1991	Schmöde
	US-5,017,442	05-21-1991	Watanabe et al.
	US-5,114,811	05-19-1992	Ebel et al.
	US-5,147,747	09-15-1992	Post et al.
	US-5,344,724	09-06-1994	Ozaki et al.
	US-5,360,678	11-01-1994	Spillman et al.
	US-5,423,110	06-13-1995	Gauthier et al.
	US-5,514,492	05-07-1996	Marincic et al.
	US-5,543,249	08-06-1996	Takeuchi et al.
	US-5,558,962	09-24-1996	Marincic et al.
	US-5,584,893	12-17-1996	Mitchell
	US-5,795,680	08-18-1998	Ikeda et al.
	US-5,804,327	09-08-1998	Oltman
	US-5,891,593	04-06-1999	Keller et al.
	US-5,900,720	05-04-1999	Kallman et al.
	US-5,948,563	09-07-1999	Kawase et al.
	US-5,95,291	10-12-1999	Pyszczed
	US-5,989,751	11-23-1999	Cotte et al.
	US-6,030,422	02-29-2000	Pyszczek
	US-6,042,957	03-28-2000	Oltman
	US-6,057,060	05-02-2000	Yu
	US-6,165,641	12-26-2000	Striebel et al.
	US-6,180,285 B1	01-30-2001	Yoshida et al.

Examiner Signature		Date Considered	
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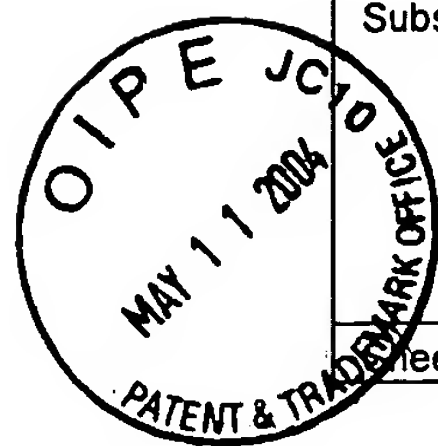


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US PATENT DOCUMENTS

Examiner Initials	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	Number - Kind Code		
	US-6,190,803	02-20-2001	Tomiyama et al.
	US-6,225,007	05-01-2001	Horne et al.
	US-6,225,007 B1	05-01-2001	Horne et al.
	US-6,228,536	05-08-2001	Wasynczuk
	US-6,242,129 B1	06-05-2001	Johnson
	US-6,245,452 B1	06-12-2001	Oltman
	US-6,265,099 B1	07-24-2001	Gauthier et al.
	US-2001/0031398 A1	10-18-2001	Hashimoto et al.
	US-2001/0033972 A1	10-25-2001	Kawai et al.
	US-6,319,627 B1	11-20-2001	Snyder et al.
	US-2001/0044047 A1	11-22-2001	Gan et al.
	US-2002/0004161 A1	01-10-2002	Yamaguchi
	US-6,348,282 B1	02-19-2002	Okochi et al.
	US-2002-0076605 A1	06-20-2002	Akashi et al.
	US-6,410,187 B1	06-25-2002	Luo et al.
	US-6,410,180 B1	06-25-2002	Yamada et al.
	US-6,458,490 B1	10-01-2002	Hommura et al.
	US-2002/0146626 A1	10-10-2002	Komatsu et al.
	US-2002/0187399 A1	12-12-2002	Johnson et al.
	US-6,503,646 B1	01-07-2003	Ghantous et al.
	US-6,503,657 B1	01-07-2003	Takami et al.
	US-6,506,514 B1	01-14-2003	Endo et al.
	US-2003/0089889 A1	02-27-2003	Park et al.
	US-2003/0104282 A1	06-05-2003	Xing et al.
	US-6,576,365 B1	06-10-2003	Meitav et al.
	US-2003/0113628 A1	06-19-2003	Paulot et al.
	US-2003/0134191 A1	07-17-2003	Buckle et al.
	US-2003/138697 A1	07-24-2003	Leising et al.
	US-2003/0198868 A1	10-23-2003	Takeuchi et al.
	US-6,641,953 B2	11-03-2003	Takeuchi et al.
	US-6,667-132 B2	12-23-2003	Okochi et al.
	US-2004/029005 A1	02-12-2004	Leising et al.
	US-2004/0048148 A1	03-11-2004	Skinlo
	US-2004/0053116 A1	03-18-2004	Skinlo
	US-2004/0053115 A1	03-18-2004	Skinlo
	US-2004/0053119 A1	03-18-2004	Tsukamoto et al.
	US-2004/0053118 A1	03-18-2004	Tsukamoto et al.
	US-2004/0053117 A1	03-18-2004	Tsukamoto et al.
	US-2004/0055146 A1	03-25-2004	Tsukamoto et al.
	US-2004/0058236 A1	03-25-2004	Tsukamoto et al.

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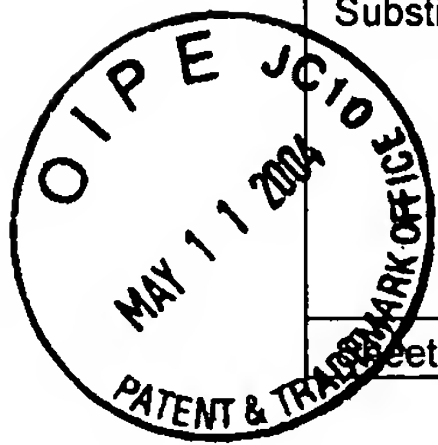
FOREIGN PATENT DOCUMENTS

Examiner Initials	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	English Abstract	Machine Translation	Entire Document
	Office	Number	Kind					
	JP	01151150	A	06-13-1989	Matsushita Electric Ind. Co. Ltd.	X		X
	JP	3046772	A2	02-28-1991	Ignacio et al.			
	JP	03-093156	A2	04-18-1991	Kiyoshi et al.	√		
	JP	3222257	A2	10-01-1991	Toru et al.	√		
	JP	4206366	A2	07-28-1992	Kenji et al.	√		
	JP	7249403	A2	09-26-1995	Hiroyoshi	√		
	JP	9330707	A2	12-22-1997	Kouji	√		
	JP	10289708	A2	10-27-1998	Tetsuya et al.	√		
	JP	11260372	A2	09-24-1999	Sanehiro et al.	√		
	JP	11-329444		11-30-1999	Shin Kobe Electric Mach Co Ltd	X	X	X
	JP	2000036324	A	09-02-2000	Minako et al.			
	EP	0942484	B1	05-16-2001	Yamaguchi			
	WO	02/078113	A1	10-03-2002	Shibamoto et al.			
	EP	01296389	A1	03-26-2003	Wilson Greatbatch Technologies, Inc.			X
	WO	03-061038	A1	07-24-2003	Quallion LLC	X		X
	WO	03-061051	A1	07-24-2003	Quallion LLC			
	EP	01331683	A2	07-30-2003	Wilson Greatbatch Technologies, Inc.			X
	WO	03/096446	A1	11-20-2003	Hitachi Maxell Ltd.	X		X
	EP	1388905	A2	02-11-2004	Wilson Greatbatch Technologies, Inc.			X

OTHER DOCUMENTS

Examiner Initials	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, cite and/or country where published
	A. RAWLE, "Basic Principles of Particle Size Analysis," Malvern Instruments Limited, downloaded from http://www.malvern.co.uk/malvern/rw_malvern.nsf/vwa_docreft/IWTM%20particle%20size , no date.
	Table 14.4 Cathode Materials Used in Lithium Primary Batteries
	Unpublished International Application PCT/US03/21343, Applicant Quallion LLC, Inventors Lam et al., International Filing Date 09 July 2003.
	Preliminary Amendment filed in USSN 10/666,873, Tsukamoto et al., filing date September 17, 2003.
	International Preliminary Examination Report, dated 30 October 2003, received in relation to Application No. PCT/US03/01334.

Examiner Signature		Date Considered	
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				Art Unit	1745
				Examiner Name	N/A
Sheet	4	of	4	Attorney Docket number	Q137-US9

OTHER DOCUMENTS

Examiner Initials	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, cite and/or country where published
	Preliminary Amendment filed in USSN 10/478,920, Lam et al., filing date November 19, 2003.
	Preliminary Amendment filed in USSN 10/478,706, Nakahara et al., filing date November 19, 2003.
	Preliminary Amendment filed in USSN 10/484,474, Tsukamoto et al., filing date January 20, 2004.
	International Search Report, dated 01 Mar 2004, received in relation to Application No. PCT/US03/21343

Examiner Signature		Date Considered	
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